

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

KAIFI LLC		
	Plaintiff,	
v.		Case No. 2:20-cv-281-JRG
T-MOBILE US, INC. and T-MOBILE USA, INC.,		<b>JURY TRIAL DEMANDED</b>
	T-Mobile.	Honorable Rodney Gilstrap

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER**

Plaintiff KAIFI LLC (“KAIFI”) and Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile”) respectfully submit this Joint Motion to Amend the Docket Control Order and would show the Court the following:

KAIFI and T-Mobile respectfully request that the following deadlines be extended:

<b>Current Deadline</b>	<b>New Deadline</b>	<b>Event</b>
July 9, 2021	July 19, 2021	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
July 19, 2021	July 26, 2021	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
August 16, 2021	August 23, 2021	Serve Disclosures for Rebuttal Expert Witnesses
August 23, 2021	September 15, 2021	Deadline to Complete Expert Discovery
August 30, 2021	September 3, 2021	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court.  Motions shall comply with Local Rule CV-56 and Local

		Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
August 30, 2021	September 3, 2021	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No Motion to Strike Expert Testimony (including a <i>Daubert</i> Motion) may be filed after this date without leave of Court.</p>
September 13, 2021	September 17, 2021	<p>*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV- 7(e), not to exceed the deadline as set forth in this Docket Control Order.<sup>2</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.</p>

These extensions will not affect any other deadlines in the Docket Control Order.

The parties have agreed to modest extensions to the fact discovery and expert disclosure deadlines to accommodate witness and attorney schedules, which prevented some of the fact depositions from taking place prior to the current, July 9, 2021 fact discovery deadline. In addition, the parties have agreed to extend the expert discovery to September 15, 2021, as the attorney who

is slated to take the depositions of T-Mobile's expert witnesses (Jason Sheasby) has a trial before this Court in *Optis Wireless Technology, LLC et al v. Apple Inc.*, Civil Case No. 2:19-cv-00066-JRG, beginning August 10, 2021 and another trial in the Central District of California in *City of Pomona v. Sociedad Quimica Y Minera De Chile SA et al*, 2:11-cv-00167-RGK-JEM (C.D. Cal) beginning August 30, 2021.

In addition, there is good cause for the requested four-day extension of the Motion for Summary Judgment/Motion to Strike Experts opening and responsive briefs. T-Mobile has requested that KAIFI produce certain of KAIFI's expert witnesses for deposition in advance of the dispositive motion and motion to strike deadline. One of KAIFI's expert witnesses, David Kennedy, is scheduled to be in trial in the Eastern District of Texas before Judge Schroeder beginning August 23, 2021, in the matter of *General Access Solutions v. Sprint*, Civil Case No. 2:20-cv-00007-RWS (E.D. Texas). This scheduling conflict will make it difficult to present him for deposition under the current deadline for these motions (August 30) since Kennedy will not be available for deposition until August 31, 2021. The four day extension of the briefing for the MSJ/Motions to Strike would resolve that issue without affecting any of the other Court imposed deadlines.

WHEREFORE, Plaintiff and Defendants respectfully request that the Court extend the deadlines above and enter the attached proposed first amended docket control order.

Dated: July 8, 2021.

Respectfully submitted,

/s/ Robert Christopher Bunt

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**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically on July 8, 2021 pursuant to Local Rule CV-5(a) and has been served on all counsel who have consented to electronic service.

/s/ Robert Christopher Bunt  
ROBERT CHRISTOPHER BUNT

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(h), the undersigned meet and conferred with Robert Vincent on July 8, 2021 regarding the above referenced motion. T-Mobile agreed to file this as a joint motion.

/s/Robert Christopher Bunt  
ROBERT CHRISTOPHER BUNT